OFFICIAL COMMENT

January 20, 2010

LSA Document #08-764 (Antidegradation)
MaryAnn Stevens, Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-41
Indianapolis, Indiana 46204-2251



Re: Lake Michigan Protection from New or Increased Pollution

Dear Ms. Stevens,

I am writing today to ask that you give Lake Michigan the highest level of protection from new or increased pollution. Indiana's proposed rule must be strengthened to protect water quality as the Clean Water Act intended. Indiana's rule, rather than protecting water quality while working to comply with existing standards, would trigger an antidegradation review only when a new or increased discharge would increase the level of a pollutant to the degree it poses a potentially "detrimental effect" on lake uses.

I have several concerns about the rule, in its' current form, which include:

- The rule includes several unjustified exemptions, and excludes phosphorus, sediment and other key pollutants for which no thresholds exist from protective provisions -- even though these pollutants are known to harm water quality.
- The rule exempts so-called "de minimis" or low-level -- new pollution discharges from a federal requirements that the pollution is a necessary byproduct of important local economic or social benefit.

The results of these concerns would be in using the methods proposed in the draft rule, state regulators could permit multiple new low-level discharges of a pollutant that together have a significant cumulative impact on Lake Michigan's water quality, without any evidence that the additional pollution is justified.

The Alliance or the Great Lakes (a great organization by the way) is working with a coalition of groups in Indiana to strengthen the federally mandated rule, which sets a limit for how much new pollution can be discharged to Lake Michigan and other waterways in the state.

Please strengthen Indiana's proposed rule now!

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Thank you,

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